



MEMORANDUM

Agenda Item No. 7(D)(1)(I)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: January 20, 2004

FROM: George M. Burgess
County Manager

SUBJECT: FEMA Secondary Canal Dredging
Project, Change Order Number One,
Project Number C02-DERM-EEC
Contract Number CF002180 for
American Environmental
Contractors, Inc.

The attached Change Order Number One and final of a contract between American Environmental Contractors, Inc. and Miami-Dade County has been prepared by the Department of Environmental Resources Management (DERM) / Division of Recovery and Mitigation (DORM) and is recommended for approval.

CHANGE ORDER No.: One

PROJECT No.: C02-DERM-EEC

CONTRACT No.: CF002180 – Melrose Canal Dredging Project

PROJECT LOCATION: Melrose Canal Dredging Project – Runs from Miami River Canal to NW 67th Avenue (Ludlum Road), and is located in the City of Miami Springs.

PROJECT DESCRIPTION: Canal dredging to be performed based on the discovery phase of the No-Name Storm. Program is funded by Federal Emergency Management Agency (FEMA), Florida Department of Community Affairs (FDCA) and Miami-Dade County. DORM's Contract and Specifications Group issued bidding notices to pre-qualified contractors under the C02-DERM-EEC Contract. The project involved the following: the removal of sediment and debris deposited in selected secondary canals maintained by Miami-Dade County using appropriate equipment and personnel; the restoration of degraded canal embankments; the provision of comprehensive traffic control in accordance with all federal, state, and local laws; the disposal of sediment and

of comprehensive traffic control in accordance with all federal, state, and local laws; the disposal of sediment and debris at approved disposal areas in accordance with all federal, state, and local laws; and maintain project records in accordance with generally accepted accounting standards to facilitate audit and inspection.

PRIME CONTRACTOR:	American Environmental Contractors, Inc.
COMPANY PRINCIPAL:	George Munne, President
CERTIFIED AS COMMUNITY SMALL BUSINESS ENTERPRISE (CSBE) AT TIME OF AWARD:	Yes
COMPANY QUALIFIER:	Durant Thomas William
LOCATION OF COMPANY:	900 Stillwater Drive, Miami Beach, Florida 33141
YEARS IN BUSINESS:	Six (6) years
CSBE MEASURE AT AWARD:	No measures
CURRENT CSBE STATUS:	N/A
PREVIOUS CONTRACTS WITH COUNTY DURING THE PAST FIVE YEARS:	Four
ORIGINAL COST ESTIMATE:	\$942,540.20
ORIGINAL CONTRACT AMOUNT:	\$942,540.20 (See Exhibit "B" Summary of Bids received on Monday August 5, 2002)
CONTINGENCY FUND USAGE (WHEN CHANGE ORDER WAS INITIATED):	Beginning Balance: \$ 50,000.00 Total Amount Used: \$ 53,000.00
CONTINGENCY FUND USAGE (TO DATE):	Total Amount Used: \$ 53,000.00 Ending Balance: (\$ 3,000.00)

2

PREVIOUS CHANGE ORDER:

None

**CHANGE ORDER
RECOMMENDATION:**

The purpose of this Change Order is to increase the Contract amount by (+) \$725,070.28 and to add four (4) new items to the Contract.

**CLASSIFICATION FOR
CHANGE ORDER:**

- ☐ Regulatory Change
- ☐ Other Agency Request Change
- ☐ Design Errors Change
- ☒ Design Omission Change
- ☐ County Requested Change
- ☒ Unforeseen/Unforeseeable Change
- ☐ Other: To increase the contract amount by 10% in accordance with the Expedite Ordinance.

**JUSTIFICATION FOR
CHANGE ORDER:**

This Change Order is considered to be in the best interest of Miami-Dade County and of the City of Miami Springs (who is responsible for the local match of 12.5%) as it offered the most time and cost effective handling of the additional sediment found in the canal during the dredging. The additional quantities found were verified with a pre-dredge survey immediately prior to dredging at no cost to the County. The unit rate negotiated to cover the additional quantities were the same lowest bidder competitive rates as per the original contract award. Because the lowest responsible bidder who had been awarded the contract was authorized to handle the additional sediment quantities, there were savings of time as well as of additional mobilization and demobilization costs. All work related to this contract was completed by the project completion date.

This Change Order is to increase the contract amount by (+) \$725,070.28 (77% increase) and to add four (4) new items to the Contract for a total contract amount of \$1,667,610.48. This project was one of nineteen (19) canals originally assigned to the South Florida Resource Conservation and Development Council (SFRC&D), Incorporated, and they managed the design and

preparation of certified engineering drawings to determine sediment volume quantities scheduled for dredging and disposal. C.A.P. Engineering Consultants, Inc. was contracted by the SFRC&D to prepare and design pre-dredged engineering drawings and sediment volumetric studies. Upon contract commencement, it became evident that the sediment dredging estimates provided by SFRC&D were substantially lower than existing quantities in the canal. The amount of sediment to be removed increased from 9,657 cubic yards to 13,781.60 cubic yards (a 43% increase). This increase caused additional dredging, transportation, overhead, insurance and bonds and disposal (tipping fees) charges, thus the 77% overall contract increase proposed in this change order.

In addition, four (4) new pay items (items 18 through 21) representing \$219,370.58 of the total Change Order, such as: tree removal, floating vegetation removal, limited night time work (as requested by the Contractor and approved by the City of Miami Springs), and Riprap construction work was required in order to complete the project.

The local match (12.5% or \$208,451.31) for this project will be paid by the City of Miami Springs (City) at no cost to the County under a Memorandum of Agreement between the County and the City, which is being finalized at this time. The responsibility for the maintenance of the Melrose Canal by the City has been due to the fact that the canal's drainage basin fully benefits the City and therefore the reason for the City paying the full 12.5% local match.

Copies of DBD's Firm History Report (Exhibit "A"), Summary of Bids (Exhibit "B"), Detail of Contingency and Contract Usage and Supplement Table (Schedule "C") are attached with this memorandum.

**ADJUSTED CONTRACT
AMOUNT INCLUDING THIS
CHANGE ORDER:**

\$1,667,610.48

**PERCENTAGE OF INCREASE
OR DECREASE OF THIS CHANGE
ORDER (FROM ORIGINAL
CONTRACT AMOUNT):**

(+) 77%

**PERCENTAGE OF INCREASE
OR DECREASE OF THIS
CHANGE ORDER (FROM
PREVIOUSLY ADJUSTED
CONTRACT AMOUNT):**

Not Applicable

**TOTAL PERCENT INCREASE
OR DECREASE FROM ORIGINAL
CONTRACT AMOUNT:**

(+) 77%

CONTRACT TIME:

Two hundred and ten (210) days

NOTICE TO PROCEED DATE:

December 4, 2002

**ORIGINAL CONTRACT
COMPLETION DATE:**

July 2, 2003

**TIME EXTENSION ON PREVIOUS
CHANGE ORDER(S):**

Not Applicable

**TIME EXTENSION (THIS
CHANGE ORDER:**

Not Applicable

REVISED COMPLETION DATE:

Not Applicable

USING AGENCY:

Department of Environmental Resources Management

MANAGING AGENCY:

Department of Environmental Resources Management

FUNDING SOURCE:

Federal Emergency Management Agency, State of Florida,
and Miami-Dade County.

**ALLOWANCES/CONTINGENCY
ORDINANCE No. 00-65**

Original Contingency Allowance only represented 5.31%
of the Contract Amount. Since this is a final change order,
the contingency line Item 45, will be zero (0) dollars, as all
charges against contingency line Item are reflected as new
items.

**APPROVED FOR LEGAL
SUFFICIENCY:**

Yes

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**DEPARTMENT OF BUSINESS
DEVELOPMENT REVIEW:**

Yes

EXPEDITE ORDINANCE NO. 00-104:

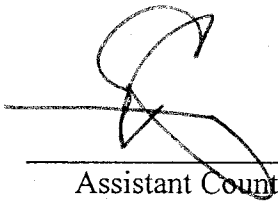
No

**APPROVED AS TO LEGAL
SUFFICIENCY:**



Assistant County Attorney

Date: _____



Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(D)(1)(I)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(D)(1)(I)
1-20-04

RESOLUTION NO. _____

RESOLUTION APPROVING CHANGE ORDER NO. ONE AND
FINAL TO THE CONTRACT WITH AMERICAN
ENVIRONMENTAL CONTRACTORS INC., FOR CANAL
REPAIR, RESTORATION, AND SEDIMENT HANDLING,
PROJECT No. C02-DERM-EEC (DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT
CONTRACT NO. CF002180)

WHEREAS, this Board desires to accomplish the purposes outlined in the
accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board finds in the best
interest of the County to approve Change Order Number One and Final, for Canal Repair,
Restoration, and Sediment Handling, Project No. C02-DERM-EEC (Miami-Dade County
Department of Environmental Resources Management Contract Number CF002180), with
American Environmental Contractors, Inc., adding four (4) new pay items, in substantially the form
attached hereto and made a part hereof; and authorizing the County Manager to execute same for
and on behalf of the County.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

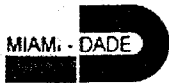
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. HJB

Hugo Benitez

By: _____
Deputy Clerk



MIAMI-DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO. ONE PROJECT NO. C02-DERM-EEC CONTRACT NO. CF002180 DATE: _____

PROJECT TITLE: CANAL REPAIR, RESTORATION AND SEDIMENT HANDLING

TO CONTRACTOR: American Environmental Contractors, Inc.

YOU ARE HEREBY REQUESTED TO MAKE FOLLOWING CHANGES IN THE PLANS AND SPECIFICATIONS FOR THIS PROJECT AND TO PERFORM THE WORK ACCORDINGLY, SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

Increase contract amount by (+)\$725,070.28

JUSTIFICATION: The purpose of this Change Order is to increase the contract amount by (+) \$725,070.28 and to add four (4) new items to the Contract.

Contractor hereby waives and releases the County of any and all liability for claims, additional costs, and any request for additional time arising out of the fulfillment of this contract and change order, from the date of contract award to and including execution of this change order.

SUMMARY OF CONTRACT AMOUNT

ORIGINAL CONTRACT AMOUNT

COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERED	\$942,540.20
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER	\$0.00
COST OF CONSTRUCTION CHANGES THIS ORDER	\$942,540.20
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	\$725,070.28
PERCENT INCREASE, THIS CHANGE ORDER	77%
TOTAL PERCENT INCREASE TO DATE	77%

EXTENSION OF CONTRACT TIME ALLOWED BY THIS CHANGE N/A CALENDAR DAYS TO N/A
DATE

CERTIFYING STATEMENT: *I hereby certify that the supporting cost data included is, in my considered opinion, accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under the benefit of competitive bidding.*

COUNTY ATTORNEY'S OFFICE

SIGNATURE OF CONSULTING ARCHITECT OR ENGINEER

ENVIRONMENTAL & RESOURCES

TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER

MANAGEMENT (DERM)	HDDREPDRAIN	
DEPARTMENT	FUNDS BUDGETED CODE	CERTIFIED BY (FIN. DIV.)

ACCEPTED BY: _____ DATE _____ APPROVED: _____ DATE _____
CONTRACTOR'S SIGNATURE BUDGET DIRECTOR'S SIGNATURE

Surety's SIGNATURE

DATE

MIAMI-DADE COUNTY, Florida
By its BOARD OF COUNTY COMMISSIONERS

RECOMMENDED: _____ DATE _____ By: _____
DIVISION CHIEF COUNTY MANAGER

APPROVED: _____ DATE _____ ATTEST: _____
DEPUTY DIRECTOR

APPROVED: _____ DATE _____ By: _____
DEPARTMENTAL DIRECTOR DEPUTY CLERK

APPROVED: _____ DATE _____ APPROVED: _____ DATE _____
Department of Business Development Capital Improv. Const. Coord. (CICC)

Prepare in Sets. (6 copies) Retain gold copy. Forward all other copies to Budget Department. Upon approval, Budget will forward all copies to the County Manager. County Manager will forward all copies to Clerk of the Board. Clerk of the Board will make final distribution. Supplemental 105.01-15 to be used for submitting detailed estimate.
105.01-14 Rev. 12/89 Metro-Dade/GSA-Mat. MGT.

ALL COPIES MUST BE SIGNED

MIAMI-DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT
SUPPLEMENT

ESTIMATE OF COST TO ACCOMPANY CHANGE ORDER NO.:

One and Final

DATE: October 6, 2003

Project No.: C02-DERM-EEC

Project Title: Canal Repair, Restoration and Sediment Handling

CONTRACTOR: American Environmental Contractors, Inc.

ADDITIONAL ITEMS ADDED TO CONTRACT WITH UNIT PRICES

ITEM NO.	ITEM	UNIT	UNIT PRICE	CONTRACT WORK		ADDITIONAL WORK	
				Quantity	Amount	Quantity	Amount
1	Dredging Sediment	C.Y.	\$ 35.00	9,657.00	\$ 337,995.00	4,124.60	\$ 144,361.00
2	Maintenance of Traffic	L.S.	\$ 8,000.00	2.00	\$ 16,000.00	-	\$ -
3	Cutting, Chipping, & Clearing of Overhanging Vegetation	Hour	\$ 500.00	30.00	\$ 15,000.00	60.00	\$ 30,000.00
4	Transport Wet Sediment From FEMA Site to On-site Staging Area	C.Y.	\$ 3.00	9,657.00	\$ 28,971.00	(5,465.00)	\$ (16,395.00)
5	Manage On-Site Staging Area	L.S.	\$ 12,000.00	1.00	\$ 12,000.00	-	\$ -
6	Transportation and Disposal of Dry Sediment from On-site Staging Area to Landfill Facility	Ton	\$ 4.70	6,036.00	\$ 28,369.20	11,191.00	\$ 52,597.70
7	Tipping Fee to Dispose Dry Sediment from On-Site Staging Area to Landfill Facility	Ton	\$ 30.00	6,036.00	\$ 181,080.00	11,191.00	\$ 335,730.00
8	Transportation and Disposal of Non-Soil Type Material from On-site Staging Area to Landfill Facility	Ton	\$ 100.00	200.00	\$ 20,000.00	111.74	\$ 11,174.00
9	Tipping Fee to Dispose Non-soil Type Material to Landfill Facility	Ton	\$ 100.00	200.00	\$ 20,000.00	111.74	\$ 11,174.00
	Type I Bank Restoration						
10a	Sodding	S.Y.	\$ 25.00	1,000.00	\$ 25,000.00	44.53	\$ 1,113.25
10b	Compacted Topsoil	C.Y.	\$ 150.00	93.00	\$ 13,950.00	(93.00)	\$ (13,950.00)
	Type II Bank Restoration						
11a	Sodding	S.Y.	\$ 25.00	100.00	\$ 2,500.00	422.26	\$ 10,556.50
11b	Remove Overburden Material, Replace with Compacted Topsoil	C.Y.	\$ 150.00	60.00	\$ 9,000.00	(60.00)	\$ (9,000.00)
	Type III Bank Restoration						
12a	Sodding	S.Y.	\$ 25.00	1,489.00	\$ 37,225.00	(444.47)	\$ (11,111.75)
12b	Backfill and Furnish with Riprap Type I Material	C.Y.	\$ 86.88	385.00	\$ 33,450.00	(385.00)	\$ (33,450.00)
13	Turbidity Curtains Including Maintenance and Removal	L.F.	\$ 10.00	400.00	\$ 4,000.00	-	\$ -
14	Construction and Restoration of On-Site Staging Area	L.S.	\$ -	0.00	\$ -	-	\$ -
15	Contingency Allowance	L.S.	\$ 25,000.00	2.00	\$ 50,000.00	(2.00)	\$ (50,000.00)
16	Mobilization and Demobilization	L.S.	\$ 15,000.00	2.00	\$ 30,000.00	-	\$ -
17	Overhead Including Insurance and Bonds	L.S.	\$ 39,000.00	2.00	\$ 78,000.00	1.10	\$ 42,900.00
	Extra Work						
18	Tree Removal Operation On the East Side of Canal	L.S.	\$ 53,000.00	0.00	\$ -	1.00	\$ 53,000.00
19	Removal of Floating Vegetation	L.S.	\$ 18,963.50	0.00	\$ -	1.00	\$ 18,963.50
20	Required Night Work at Miami Springs Country Club	L.S.	\$ 13,735.94	0.00	\$ -	2.00	\$ 27,471.88
21	Backfill and Furnish with Riprap Type I Material	Ton	\$ 120.00	0.00	\$ -	999.46	\$ 119,935.20
						SUBTOTAL	\$ 725,070.28

Prepared by: Frank Crespo

Checked by: Dorian K. Valdes, P.E.

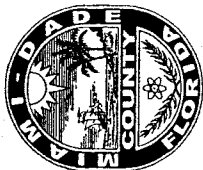


Exhibit "C"

Project No.: CF002180
Project Name: Canal Repair, Restoration and Sediment Handling
Contractor: American Environmental Contractors, Inc.

Change Orders	Time Extension (Calendar Days)	Items Added	Increase / Decrease Amounts	BCC / County Manager Approval Dates / Status
One and Final	0	4	\$725,070.28	In Progress
TOTALS:	0	4	\$725,070.28	

Original Contract Time (Calendar Days): 210
Effective Notice to Proceed Date: December 4, 2002
Original Contract Completion Date: July 2, 2003
Time Extension (Approved Change Orders): N/A
Calendar Days added by Option to Renew: N/A
Revised Completion Date: N/A
Time Extension (This Change Order): N/A
Revised Completion Date (Including this Change Order): N/A

Original Contract Amount: \$942,540.20

Approved Change Order Amounts:	\$0.00
Adjusted Contract Amount Prior to this Change Order:	\$942,540.20
Contract Amount Increase/Decrease this Change Order:	\$725,070.28
Adjusted Contract Amount Including this Change Order:	\$1,667,610.48

Contract Usage	Original Contract Amount and Approved Change Orders	Total Amount Paid (before Change Order)	Balance before Change Order	This Change Order	Balance after Change Order
Contract Items without Contingency	\$892,540.20	\$889,540.20	\$3,000.00	\$722,070.28	\$725,070.28
Contingency Amount	\$50,000.00	\$53,000.00	(\$3,000.00)	\$3,000.00	\$0.00
Items + Contingency	\$942,540.20	\$942,540.20	\$0.00	\$725,070.28	\$725,070.28

Contingency Usage

Original Contingency	Total Contingency Payments before Change Order	Value of contingency items being added as new contract pay items in this Change Order	Value to date of contingency items not included in this Change Order		Contingency Balance after Change Order
			through latest payment - Requisition	No.4 , 08/08/03	
\$50,000.00	\$53,000.00	\$3,000.00		\$50,000.00	\$0.00

Work Order Encumbrance

Total Work Orders Issued	Total Amount Encumbered (Includes Revised and Canceled Work Orders)	Completed and Paid	Encumbered Balance	Amount Unencumbered
1	\$942,540.20	\$942,540.20	\$0.00	\$0.00

Note: This data corresponds to the latest payment requisition.
Req.: No.4, 08/08/03